

STATEMENT OF MAJ (b)(3), (b)(6) DATED 02 MARCH 2010

Lt (b)(3), (b)(6) How were you aware of that?

MAJ (b)(3), (b)(6) I've gone back and tried to think of that because I know that wasn't a good answer the first time. Someone briefed on the floor that, that had been a report from the ISR... Someone briefed that, it wasn't to me a secret when I came onto the floor that there had been possible women and children that had been on those vehicles prior to the strike.

MG: So would you say that was common knowledge on the floor that it was said? Other testimonies said that too, I just want you to layout at about what time there were possible women and children on the vehicles. Then you talk about later after the strike that you see right away you saw women and children. Walk us through that so we fully understand what was going on, on the JOC floor?

MAJ (b)(3), (b)(6) As I said before it was fairly calm. There weren't a lot of highlight indicators going on that a strike was about to occur on these vehicles. Based on what the GFC had been reporting up and what MAJ (b)(3), (b)(6) said he'd been reporting up, my understanding was that (b)(1)1.4a

(b)(1)1.4a
(b)(1)1.4a. Somewhere in the course of that we discussed that there were women and children that had been reported as possible women and children getting on and off from the ISR platform probably 15mins into that at 0845 local. Like I said we really discussed the main objective first, that was the first thing we did.

MG: And that was objective Khod?

MAJ (b)(3), (b)(6) Yes the village of Khod where the ODA Commander was, where the main forces was at, everybody. The vehicles at that time had not become really an objective or anything yet so it was kind of for situational awareness to what these guys were watching, no issues. Women and children again came up as I said before. Yes, I was aware of it. I know there was other people on the floor, I can't pin point if you're asking the general atmospheric on the floor for who knew; maybe everyone or maybe a hand full. I'm not sure sir. But it didn't come up as a major radar thing because it was not coming up as a target, from what I understood at my shift change. I think the NCOIC would agree and I think the Battle CPT will agree, we were not saying that this was about to be struck. There's no talk on the radio about that, there's nothing coming up from the SOTF about that. As I said before when the missiles struck we all were like, "WOW there it goes, strike complete." There was no additional build up to that. We see women on every ISR feed, something that is definitely, you know, brought up very loudly on the floor but is generally bought up when the (b)(1)1.4a or bought up for the objective before Level 1 or 2 hit. We are observing women and children on this target prior to INFILL. Those are all the things that come up, but those are not generally things that stop the operation from recurring although it would stop something like a weapons strike of course. For about 10-15 minutes before the strike there was a general awareness that there had been possible women and children coming on and off the vehicles. I don't know if that answers what, clearly enough, what you're looking for sir.

MG: What actions were taken if there were possibly women and children that were tracking those vehicles? Did any actions occur? What actions occurred, any engagement with SOTF or the ODA Commander?

Page 23 of 56

STATEMENT OF MAJ (b)(3), (b)(6) DATED 02 MARCH 2010

MAJ (b)(3), (b)(6) No engagement from the SOTF from me and I don't know if MAJ (b)(3), (b)(6) had already been in contact with them discussing it, they had the same MIRC channel and they were tracking the feed like we were. I know the CJ-SOTF Commander, I don't know if he was informed of that or not because he had come through the floor prior to me, but I know he was on the floor with COL (b)(3), (b)(6) when I came in down to his office.

LTC (b)(3), (b)(6) Do you recall how long you were in the operation center before the missiles were fired?

MAJ (b)(3), (b)(6) Approximately 30 minutes, sir.

LTC (b)(3), (b)(6) When you do your informal shift change on a Sunday morning with MAJ (b)(3), (b)(6) how long does that normally take?

MAJ (b)(3), (b)(6) Generally 30 minutes, it's not like we're sitting there for 30mins straight face to face in 'nit noid' and all that kind of stuff. Admittedly, I went down and got some coffee. I cut over and talked to the NCOIC for a minute. So there was the handover then there was watching the Predator Feed, grabbed a cup of coffee, came back up, sat with MAJ (b)(3), (b)(6) and was looking through the other operations. That day I think I had about 15 or 20 other operations that were going on that day; I usually get a spread sheet cut from my JOC assistant NCO who brings it to me to review that. I was just looking over just my basic normal morning battle rhythm.

LTC (b)(3), (b)(6) So would you say in your estimation MAJ (b)(3), (b)(6) knew that there was possibility of women and children on the vehicles?

MAJ (b)(3), (b)(6) I don't want to speak for him, I can't say if he did or if he didn't. I don't remember if he was the one who told me, I know it was a general conversation between members of the JOC floor. There was no doubt that there were other members of the JOC floor who knew that was there.

LTC (b)(3), (b)(6) Would it surprise you that other members of the JOC floor knew and the JOC director did not know?

MAJ (b)(3), (b)(6) That would surprise me.

LTC (b)(3), (b)(6) You stated that COL (b)(3), (b)(6) was on the phone with LTC (b)(3), (b)(6) when you walked in?

MAJ (b)(3), (b)(6) That was what I reported from MAJ (b)(3), (b)(6). He said he had come through and MAJ (b)(3), (b)(6) had given him an update on what had been going on the objective and he said that he was going to go get up there with LTC (b)(3), (b)(6). So I just assumed he was on the phone with him.

LTC (b)(3), (b)(6) Were you told why he was going out to the phone with LTC (b)(3), (b)(6)?

MAJ (b)(3), (b)(6) No.

LTC (b)(3), (b)(6) What the point was?

MAJ (b)(3), (b)(6) No. Other than to go get up and find out what else was going on the objective I will assume sir.

Page 24 of 56

STATEMENT OF MA (b)(3), (b)(6) DATED 02 MARCH 2010

LTC (b)(3), (b)(6) Was there any discussion of the CJ-SOTF Commander wanting to engage the targets?

MA (b)(3), (b)(6) Not that I know of.

LTC (b)(3), (b)(6) What's the first time that you actually spoke to COL (b)(3), (b)(6) that morning?

MA (b)(3), (b)(6) After the strike sir.

LTC (b)(3), (b)(6) How long after the strike?

MA (b)(3), (b)(6) Maybe 2 to 3 minutes.

LTC (b)(3), (b)(6) Describe that conversation for me?

MA (b)(3), (b)(6) I just went down and told him that the strike had occurred, GFC reported 18 EKIA and that was it sir.

LTC (b)(3), (b)(6) What was COL (b)(3), (b)(6) reaction?

MA (b)(3), (b)(6) Got it.

LTC (b)(3), (b)(6) Where did the number 18 EKIA come from?

MA (b)(3), (b)(6) I don't know it came from the GFC sir.

LTC (b)(3), (b)(6) The GFC is nowhere near the strike site correct?

MA (b)(3), (b)(6) Right, it came up on (b)(1) from him or a representative; 18 EKIA.

LTC (b)(3), (b)(6) So you report to COL (b)(3), (b)(6) that the strike has occurred. You walked down to his office to do that?

MA (b)(3), (b)(6) Yes sir.

LTC (b)(3), (b)(6) And his only reaction was, got it?

MA (b)(3), (b)(6) Yes sir.

LTC (b)(3), (b)(6) When's the next time you talked to COL (b)(3), (b)(6)?

MA (b)(3), (b)(6) Maybe an hour later, the next OPS update we were discussing what the GFC plan was going to be for Boots on Ground. I don't really remember the next time I went up there to talk with him.

LTC (b)(3), (b)(6) You go from COL (b)(3), (b)(6) office back to the JOC, correct?

MA (b)(3), (b)(6) Yes sir.

STATEMENT OF MAJ (b)(3), (b)(6) DATED 02 MARCH 2010

LTC (b)(3), (b)(6) At that point are you monitoring the Predator feed?

MAJ (b)(3), (b)(6) am.

LTC (b)(3), (b)(6) Is there anything unusual about the strike site at that point?

MAJ (b)(3), (b)(6) Some folks were running from the vehicles, the lead vehicle may have still been on fire. A couple of guys were waving their arms; obviously they did not want to get strike again. Then we had the report that they were zooming had to report that there were women on the objective in what it looked like burkahs, the wavy burkah type dress that the Afghan women wear here.

LTC (b)(3), (b)(6) Approximately how long after the strike did the first report that there were women and children or somebody in women's clothing on the site?

MAJ (b)(3), (b)(6) would say maybe 15-20mins sir, somewhere around there.

LTC (b)(3), (b)(6) What do you do with that information?

MAJ (b)(3), (b)(6) Took it down and let the Commander know that, no I think I put that in an OPS update. As a matter of fact, I'd have to go back and look at my OPS updates; but, I think I put it in the OPS update that the Predator was observing women on the objective, or possible civilians on the objective. I would have to go back and look at them sir.

LTC (b)(3), (b)(6) What's the OPS update?

MAJ (b)(3), (b)(6) That's the distribution of everyone in the CJ-SOTF, COL (b)(3), (b)(6) our SOTF reps, our reps at IJC, our reps at the CFSOC, and I believe I have the Battle CPTs on there as well. It's a list of probably a 110-115 names on their sir.

LTC (b)(3), (b)(6) Does that go out...

MAJ (b)(3), (b)(6) It's that distribution right their sir. I'm pretty sure.

LTC (b)(3), (b)(6) Can you tell me if you can find the particular OPS update your referring to?

(Looking thru Distribution email)

MAJ (b)(3), (b)(6) I thought I put an OPS update, maybe I gave, I'm not sure how I reported it; but I know that the Commander was aware that there were civilians that came onto the strike site.

LTC (b)(3), (b)(6) Are there other OPS updates besides the ones we have here?

MAJ (b)(3), (b)(6) That should be it sir, I sent you everything I had from the 21st thru the 23rd or the end of the 22nd.

LTC (b)(3), (b)(6) In these OPS updates is there any mention of the strike site?

STATEMENT OF MAJ (b)(3), (b)(6) DATED 02 MARCH 2010

MAJ (b)(3), (b)(6) Not on that one sir.

LTC (b)(3), (b)(6) So how would the Commander have been aware that there were women and children on the strike site if you didn't put it on the OPS update?

MAJ (b)(3), (b)(6) Voice, I know that he was aware of it because I had the discussion with CPT (b)(3), (b)(6) that there were civilians on the target shortly after the strike. The Commander was aware of it because I know him and COL (b)(3), (b)(6) were discussing it as well.

LTC (b)(3), (b)(6) Approximately how long after the strike did you speak with CPT (b)(3), (b)(6)?

MAJ (b)(3), (b)(6) Probably right when I came back, it seems like I remember calling him making sure that he understood that they were going to need the SW, they were going to need all the follow reports that goes along with this stuff, the standard CAS strike reporting that goes up to CFSOC.

LTC (b)(3), (b)(6) Did he mention women or children on the strike site?

MAJ (b)(3), (b)(6) I don't remember him mentioning that.

LTC (b)(3), (b)(6) But you said you had some discussion at some point?

MAJ (b)(3), (b)(6) I remember talking to him within that 30 minute period afterwards that we saw women and children coming back on to the strike site, a report of potential children or women coming back to the strike site.

LTC (b)(3), (b)(6) When you say coming back on to the strike site from where?

MAJ (b)(3), (b)(6) We assumed they were coming from somewhere other than the target.

LTC (b)(3), (b)(6) Who made that assumption?

MAJ (b)(3), (b)(6) It was my assumption; I made that assumption as well as everyone else I spoke with that day.

LTC (b)(3), (b)(6) Did CPT (b)(3), (b)(6) make that assumption?

MAJ (b)(3), (b)(6) We both made that assumption and discussed it on the phone, I remember that.

LTC (b)(3), (b)(6) Did COL (b)(3), (b)(6) ever make that discussion, or did you pass that assumption to COL (b)(3), (b)(6)?

MAJ (b)(3), (b)(6) I passed that to him about an hour later I do remember having that discussion about I believe it was with the J3, and obviously they were leaving the Predator as long as they could on the site based on the fact that CPT (b)(3), (b)(6) couldn't get over there. In that discussion we talked about that there were possible Civilians coming up to the objective. We made the assumption that they were coming from a nearby village.

LTC (b)(3), (b)(6) Did CPT (b)(3), (b)(6) or anyone from SOTF 12 tell you that they had seen these people exit the vehicles?

Page 27 of 56

STATEMENT OF MAJ [REDACTED] DATED 02 MARCH 2010

MAJ [REDACTED] No.

LTC [REDACTED] When you were watching the Predator feed did you see people exit the vehicles?

MAJ [REDACTED] I did.

LTC [REDACTED] Was the Predator feed continuous?

MAJ [REDACTED] Yes it was.

LTC [REDACTED] Did you see the people that were believed to be in burkhas the people that appeared to be women, did anyone track them from the vehicles on the strike site?

MAJ [REDACTED] We did not; I never got the report that we had women that got out of the vehicles after the strike.

LTC [REDACTED] When you talked to COL [REDACTED] concerning [interrupted]

COL [REDACTED] Let me just ask, when you were watching the Predator feed, do you guys not refer to the MIRC as well? It's kind of like watching TV with the volume down. So when you're watching the Predator feed is there no connection with the volume?

MAJ [REDACTED] Like I said before sir, that's definitely a shortcoming on that day. We were not updating from the MIRC post strike what actions that were occurring on the ground, so if there was something reported on there it wasn't coming from the net for us to take action on it. Or for me personally to take action on it, so yes you're right, we were watching the Predator feed with the volume down and that's something we corrected at this point.

LTC [REDACTED] When you talked to COL [REDACTED] about the women on the strike site, what was his reaction?

MAJ [REDACTED] He acknowledged, "Roger there are civilians on the strike site." I don't remember a specific reaction sir. I don't really have discussions with COL [REDACTED] I just give him the updates of what I have at the time. Generally speaking if it's an initial report I always come in their first things first this is the initial report and this is what we got. Then as information comes in I take it down to him based on his guidance to bring down and get up on the net with him, and let him know what's going on. Every time that I went in there he was on and off the phone, I assumed with the BN Commander the SOTF Commander. There was some redundancy in whatever the reporting that was coming back and forth. If there was other information that he may have had it wasn't relayed to me, it doesn't really go that way.

LTC [REDACTED] In general, not this specific time but in general what is your responsibility if you have a report of CIVCAS? What are you suppose to do with that information?

MAJ [REDACTED] Report it immediately to the CJ-SOTF Commander.

LTC [REDACTED] To anyone else?

Page 28 of 56

STATEMENT OF MAJ (b)(3),(b)(6) DATED 02 MARCH 2010

MAJ (b)(3),(b)(6) Well you have a requirement to report it to CFSOC as well, which has generally come up on the net voice after I've told the Command team what's going on. Then let the CFSOC JOC chief MAJ (b)(3),(b)(6) let him know that there's further reporting to follow and this is the allegation or this is what occurred.

LTC (b)(3),(b)(6) At what point in that day did you make that report to CFSOC?

MAJ (b)(3),(b)(6) Which report sir?

LTC (b)(3),(b)(6) You just said if you have a report of suspected CIVCAS then you inform the Commander and you report to the CFSOC, what time in the day did you actually make a report to CFSOC concerning potential CIVCAS?

MAJ (b)(3),(b)(6) Late in the day when I received it from the medical update.

LTC (b)(3),(b)(6) Not until you had that, that there were women and children from the strike site, but early in the morning there's no report up to CFSOC?

MAJ (b)(3),(b)(6) No.

LTC (b)(3),(b)(6) Is there a reason why it wasn't passed up to CFSOC?

MAJ (b)(3),(b)(6) We didn't have a report from the OH58s that did the engagement; there was no voice report initially after when they did a fly over, there was no report of civilians wounded from the Predator feed and the information we had in agreement at this point we don't have a CIVCAS incident, but I don't think that was even a discussion if we had a CIVCAS incident. It wasn't one that I had that we said that there was a CIVCAS incident. It was not a doubt that there were civilians that came on to the site objective, like I said an assumption that they had come on to the objective. In the past we've had CIVCAS events and when we've gotten that report it's been immediately reported to CFSOC and to the CJ-SOTF Commander. I had no reason not to report it had I thought so, I had no reason to do it.

LTC (b)(3),(b)(6) You had reports of women and children on the strike site, correct?

MAJ (b)(3),(b)(6) Correct.

LTC (b)(3),(b)(6) You had conversations concerning that with your subordinate unit, correct?

MAJ (b)(3),(b)(6) Correct.

LTC (b)(3),(b)(6) You had conversations concerning that with your command, correct?

MAJ (b)(3),(b)(6) Correct.

LTC (b)(3),(b)(6) But you never... no one ever thought to inform your next higher of the same information that you been talking to these other people about?

MAJ (b)(3),(b)(6) MAJ (b)(3),(b)(6) knew that there were civilians that came onto the strike site, he was watching the same Predator feed everyone else was. That wasn't news to him when I called him. As I said in the

Page 29 of 56

STATEMENT OF MAJ (b)(3),(b)(6) DATED 02 MARCH 2010

investigation before it's also not a new thing for CFSOC or anyone else to call down and ask for CIVCAS, where CIVCAS is collateral damage. There's a phone call for every single TIC we're in. So it didn't come up as hey this is a new thing, okay got it right now, no CIVCAS, no collateral damage and we haven't even put a GFC on the ground yet. Which that was a plan CPT (b)(3),(b)(6) was coming up with and trying to develop, there was a major communication breakdown and the way that occurred. I know that you have found that and I we've definitely identify as well in this investigation that we identify that. We just didn't know what was going on. By the time CPT (b)(3),(b)(6) got on the ground we waited, when he left the ground there were still no civilian casualty report. There was none from our GFC on the ground to tell us that was there. It would have been like making a CIVCAS report but there was no CIVCAS and bringing everything up on the net when there was no CIVCAS because we didn't have that information.

LTC (b)(3),(b)(6) In the morning did you speak with MAJ (b)(3),(b)(6) prior to 1200L?

MAJ (b)(3),(b)(6) Prior to 1200L?

LTC (b)(3),(b)(6) Yes.

MAJ (b)(3),(b)(6) I should have talked to him before 1200L I'm usually on the phone with him pretty quick in the morning. I know I would have called him after that to let him know that 5W is on its way for the report. That was a reporting flaw up until then, as we've been bad sending our 5Ws up for CAS. We've been getting beat up by CFSOC understandably and legitimately. So when that strike occurred and I'm setting on the chair and I have the floor for the day now. I got up and said, "Hey talk with the Battle CPT the 5Ws are in route we're working it right now." So he had a warm and fuzzy he'd come up and tell us about it.

LTC (b)(3),(b)(6) Did you discuss the women and children on the strike site?

MAJ (b)(3),(b)(6) Not at the first call, I wouldn't have on the first call.

LTC (b)(3),(b)(6) Was there a reason you left that out of the first call when you had discussed that with both the lower subordinate command and with your Commander?

MAJ (b)(3),(b)(6) No. I mean no reason in particular, not that I was trying to hold anything back or that I was trying to miss lead anybody to think they weren't there.

LTC (b)(3),(b)(6) When you do get a report of potential CIVCAS and you're going to report up to CFSOC, you said you informed the Commander first correct?

MAJ (b)(3),(b)(6) Yes sir.

LTC (b)(3),(b)(6) Do you need his permission or someone's permission to report to CFSOC or do you do that automatically?

MAJ (b)(3),(b)(6) You mean after I report to the Commander?

LTC (b)(3),(b)(6) Correct.

Page 30 of 56